

II. Remarks

Claims 34, 41, 45, 66 and 69 have been amended to define clearly the Applicant's invention and are believed to distinguish patentably over the prior art.

In the Official Action, the Examiner has rejected claims 34, 41, 45, 48 and 66 to 70 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,551,965 to Prottengeier ("Prottengeier"). The Examiner is alleging that the Applicant's invention as defined by these claims is clearly disclosed in the Prottengeier reference. Claims 34, 45, 48 and 66 to 70 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,288,968 to Seko et al. ("Seko"). The Examiner is alleging that the Applicant's invention as defined by these claims is clearly disclosed in the Seko reference. Claim 66 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,067,302 to Boeckman ("Boeckman"). The Examiner is alleging that the Applicant's invention as defined by this claim is clearly disclosed in the Boeckman reference. Claims 35 and 37 to 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Prottengeier. The Examiner is alleging that the Applicant's invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the teachings of this reference. Claims 35 and 37 to 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Seko. The Examiner is alleging the Applicant's invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the teachings of this reference. Claims 34, 35, 37 to 45, 48 and 66 to 70 have been rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Office Application No. 0995683 to Tobolka ("Tobolka") in view of Prottengeier or Seko. The Examiner is alleging that the Applicant's invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the teachings of these references.

Applicant thanks the Examiner for allowing claims 1 to 5, 7 to 16, 18 to 24, 54 and 56 to 60.

Independent claim 34 has been amended to recite that the convex backing is formed of rubber-like material and has a **shallow round d groove** therein that is **free of any insert** and is aligned with the cutting element, with the groove

accommodating the cutting element when the jaws are in the closed position.

Applicant respectfully submits that none of the references cited by the Examiner teaches or suggests a heat sealing and cutting mechanism as defined. Prottengeier discloses an apparatus having a cylindrical counterpressure element 58 (backing) that is deformable. As is clearly shown in Figures 1, 3, 4 and 5 of this reference, the counterpressure element does not include a groove to accommodate the cutting element.

Seko shows an apparatus having a backing in which a deep groove is formed. The groove accommodates a knife seat.

Boeckman discloses a sealing jaw having a sharp deep groove provided therein that accommodates a spring and anvil bar.

Tobolko discloses a heat sealing and cutting mechanism having a rubber backing that is free of any groove.

Since none of the cited references either alone or in combination teaches or suggests the Applicant's invention as defined by amended independent claim 34, Applicant respectfully requests the Examiner to remove his objections to this claim and to the claims dependent thereon in view of the cited references.

Independent claims 41 and 45 have been amended to recite that the groove provided in the backing is shallow and rounded and free of any insert, with the groove accommodating a cutting element. Accordingly, these claims and the claims dependent thereon are believed to distinguish patentably over the cited references for the same reasons set forth above.

Independent claim 66 has been amended to recite that the cutting element has a serrated undersurface facing the first support element. This subject matter is recited in the independent claims previously allowed by the Examiner. Accordingly, Applicant respectfully submits that this claim and the claims dependent thereon distinguish patentably over the cited prior art.

Claim 69 has been amended to correct its dependency to overcome the Examiner's objection to claims 69 and 70 under 35 U.S.C. §112.

In view of the above, it is believed the application is in now in condition for allowance and action to the end is respectfully requested.

Respectfully submitted,

John F. Hoffman
Registration No. 26,280

Attorney for Applicant

JFH/clm

BAKER & DANIELS
Suite 800
111 East Wayne Street
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Postcard: Enclosure

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